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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 ULKU ROWE,

4 Plaintiff,

5 v.

19 CV 8655 (JHR)

6 GOOGLE LLC,

Remote Conference

7 Defendant.  
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9 New York, N.Y.  
10 July 24, 2023  
12:15 p.m.

11 Before:

12 HON. JENNIFER H. REARDEN,

13 District Judge

14 APPEARANCES

15 OUTTEN & GOLDEN LLP

Attorneys for Plaintiff

16 BY: GREGORY SCOTT CHIARELLO

SHIRA ZAHAVA GELFAND

17 CARA ELIZABETH GREENE

18 PAUL HASTINGS LLP

Attorneys for Defendant

19 BY: KENNETH WILLIAM GAGE  
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N7OKROWC

(The Court and all parties present remotely)

(Case called)

THE COURT: Hello, everybody. Who do we have on the phone today?

MS. GREENE: For plaintiff, you have Cara Greene, Greg Chiarello, and Shira Gelfand, of Outten & Golden.

THE COURT: And who will be taking the lead for plaintiff today?

MS. GREENE: That will be me, Cara Greene.

THE COURT: Okay.

And for defendant?

MR. GAGE: For defendant, you have Ken Gage, from Paul Hastings, your Honor.

THE COURT: Good afternoon, all.

Thank you very much for flagging that your thinking on timing has evolved and inquiring whether that will present a problem with the Court's calendar.

We did, of course, note in your final pretrial order the reference to eight days. The Court did not evaluate whether eight days seems to be warranted, but we certainly noted your interest in having that amount of time; and, as it seems you have surmised, we planned accordingly based on that.

I want to preface this by saying, it's not lost on me that this case was filed in 2019 – that was several years ago now – and I want to get your clients to the end of this

N7OKROWC

1 difficult process as soon as we reasonably can so they can go  
2 on about their lives, whatever the outcome might be.

3 But I will not start a trial at a time when there is a  
4 meaningful possibility that it won't be able to conclude due to  
5 running into other commitments on the Court's calendar. And  
6 that is now going to be true if we start on August 14th, given  
7 what you wrote to us about a few days ago.

8 Fortunately, an adjournment to allow for the  
9 possibility of taking more time would only need to be brief.  
10 We can start trial on October 4th.

11 MS. GREENE: Your Honor, if I may respond?

12 THE COURT: Yes.

13 MS. GREENE: I'm speaking now for the plaintiffs.  
14 This is Cara Greene. I'm sorry, the plaintiff, singular.

15 We do think that with efficiency, we could be in a  
16 position that the closing and jury charge would be on the  
17 morning of Thursday the 24th, which would lead into jury  
18 deliberations. And I expect, if your Honor were to say that we  
19 have to be concluded by Wednesday the 23rd, that we would find  
20 a way to be done by then.

21 I think if we were to proceed in that manner, then the  
22 way to ensure that we in fact concluded trial by the 23rd would  
23 be to allocate a number of hours to each side to present its  
24 case. And that would be our preference because, as your Honor  
25 noted, our client has been waiting some time, and we all have

N7OKROWC

1 made arrangements, witnesses have made arrangements to be  
2 available to travel, and I think, if your Honor would be  
3 available, should we conclude on the 23rd, the eighth day, we  
4 would ensure that that happens.

5 THE COURT: First of all, I don't want you to  
6 shortchange yourselves. But also remember, we don't know how  
7 long a jury might deliberate, and as long as the jury is out,  
8 until the trial is completely over, that is taking court time.  
9 I can't be available now on the Thursday or the Friday.

10 MS. GREENE: Understood, your Honor.

11 THE COURT: Mr. Gage, did you want to be heard?

12 MR. GAGE: I guess all I would say is, I would echo  
13 what Ms. Greene said, that we certainly, if we had such time  
14 limits, we may be able to get it done by Wednesday. But I do  
15 still think there's a realistic possibility, given the  
16 estimates that we have reasonably made for the witnesses, that  
17 inevitably, I think there's a good chance deliberations would  
18 spill into Thursday, and charge maybe, too.

19 THE COURT: Yes.

20 Does anybody have a trial scheduled for October?

21 MS. GREENE: At this time, no, your Honor. I will  
22 note that I just was granted my final postponement of jury  
23 duty, and now have been told I will be called the first week of  
24 October to serve myself for jury duty. So if your Honor does  
25 schedule trial for that day, I may request something from the

N7OKROWC

1 Court indicating that we have trial scheduled so I can get  
2 another final postponement.

3 THE COURT: All right. Well, that is helpful to know.

4 Mr. Gage, what about you? Do you have any trials  
5 scheduled for October?

6 MR. GAGE: I was just looking.

7 I do not. I have one in September, but not October.

8 THE COURT: All right.

9 Well, understanding that there are challenges,  
10 whatever way we go here, I am going to opt for October because  
11 I just cannot risk that we are going to end up in a situation  
12 where the trial cannot be completed. We're going to start on  
13 October 4th.

14 And, Ms. Greene, if you'd like to follow up with us on  
15 the jury duty issue, feel free to do that in writing.

16 MS. GREENE: Thank you.

17 THE COURT: All right.

18 MS. GREENE: Your Honor, if I may, just one last  
19 thing: I currently have a trial technology walk-through in  
20 your Honor's courtroom tomorrow morning. It would be our  
21 preference to continue with that tomorrow morning just so that  
22 it's completed.

23 THE COURT: That's fine with me.

24 Mr. Gage?

25 MR. GAGE: Yes, yes, we certainly would like to do

N7OKROWC

1 that.

2 THE COURT: That is fine.

3 And then I think that we will pick a new final  
4 pretrial conference date closer to the start of trial. There's  
5 no need for us to get together on the 31st.

6 MR. GAGE: Okay.

7 THE COURT: When is your trial in September?

8 MR. GAGE: I don't see that as an obstacle. It would  
9 be the week of the 11th. And it will be over that week, so  
10 it's not a conflict, as far as I'm concerned.

11 THE COURT: Very good.

12 If you could please order the transcript and split the  
13 cost, that would be helpful.

14 And that's all for today. We're adjourned.

15 MR. GAGE: Your Honor?

16 THE COURT: Yes.

17 MR. GAGE: Just a quick question: If we start on the  
18 4th, what should we plan as our finishing date, given  
19 everything that we've just discussed, so that we can sharpen  
20 our pencils as necessary and make sure that we fit within your  
21 Honor's schedule?

22 THE COURT: Yes, thank you.

23 I will say, I have not yet dug into the material we  
24 have on evidence and so on, which we will be studying, but the  
25 reason I'm opting for those dates is that I have more time

N7OKROWC

1 then. And if you all still wanted ten days, or you thought  
2 there was a meaning be possibility you would need ten days and  
3 we all determined that that that made sense, you could have the  
4 ten days --

5 MR. GAGE: Okay.

6 THE COURT: -- at that point.

7 MR. GAGE: Okay.

8 THE COURT: All right. We're adjourned. Bye-bye.

9 MR. GAGE: Thank you, your Honor.

10 MS. GREENE: Thank you.

11 (Adjourned)